



CRM-M-52973-2023

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

118

CRM-M-52973-2023

Date of decision : 22.01.2026

Vijay Kumar and another

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Kapish Singla, Advocate for the petitioner.

Mr. Tapan Masta, Addl. Advocate General, Haryana.

H.S. Grewal, J.(Oral)

1. This petition has been filed under Section 482 of Cr.P.C for quashing of Kalandra under Section 182 IPC dated 27.07.2020 registered against the petitioners vide DDR No. 18 dated 27.07.2020, Police Station Sonipat City, District Sonipat.

2. Brief facts of the case are that petitioner No.2 had submitted a complaint dated 25.07.2019 (Annexure P-1) to the In-charge, Police Post, Sector-23; however, no action was taken thereon. Thereafter, petitioner No.2 submitted another complaint dated 09.08.2019 (Annexure P-2) to the Superintendent of Police, Sonipat. The said complaint was investigated by the Deputy Superintendent of Police, Police Station City, Sonipat, and was found to be false. Consequently, report dated 04.10.2019 (Annexure P-3) was submitted. Subsequently, the father of one of the persons named in the aforesaid complaint, namely Sandeep Balhara, submitted a complaint dated 03.07.2020 seeking action against the petitioners for allegedly making an

**CRM-M-52973-2023****2**

application containing false allegations and prayed for initiation of proceedings under Section 182 IPC. Pursuant thereto, a kalandra was presented and the petitioners were summoned to appear therein.

3. Learned counsel for the petitioners submits that in view of the express provisions of Section 195(1)(b)(i) Cr.P.C., the kalandra could have been filed only by the public servant to whom the alleged false information was given or by a public servant to whom he is administratively subordinate. However, in the present case, the kalandra has been filed by an officer who was neither the recipient of the alleged complaint nor administratively subordinate to such officer. Thus, the kalandra dated 27.07.2020 (Annexure P-6) is illegal and not maintainable in the eyes of law. In support of his contention, learned counsel for the petitioners places reliance upon reliance upon the judgments of this Court in ***CRM-M-18290-2017, titled Gulzar Singh and others vs. State of Punjab and another, decided on 16.06.2023*** and ***CRM-M-19175-2016, titled Kritika @ Preeti vs. State of Punjab, decided on 10.03.2023***.

4. Learned State counsel has filed the reply in the Court today and the same is taken on record. He further submits that the complaint submitted by the petitioners was found to be false and accordingly, proceedings under [Section 182](#) Cr.P.C were initiated against the petitioner by presenting Kalandra. The State counsel further submits that the present petition deserves to be dismissed being devoid of merits.

5. I have considered the submissions made by counsel for the parties.

6. It is evident that complaint with regard to offence punishable under Section 182 IPC, as per provision contained under Section 195 Cr.P.C has to be maintained either by the public servant to whom such complaint was

**CRM-M-52973-2023****3**

presented or an officer superior to him. Undoubtedly, complaint was given by the petitioner to Superintendent of Police, Sonipat. On inquiry, it was found that allegations leveled by the petitioner in complaint could not be corroborated and thus, action under Section 182 IPC was contemplated against the petitioner. Consequently, SHO, Sonipat presented Kalandra against the present petitioners in the Court concerned. In the light of the law laid down by this Court in *Jarnail Singh Vs. The State of Punjab and others 1983 (1) RCR Criminal 540*, the Kalandra presented by SHO of the concerned police station is not maintainable as per the mandate of Section 195 Cr.P.C, as the complaint which was made by the petitioner was addressed to Superintendent of Police, Sonipat. Kalandra suffers from inherent procedural defect and was not presented in consonance with the provisions of Section 195 Cr.P.C and thus, deserves to be quashed.

7. In light of the above, the present petition is allowed and Kalandra presented under Section 182 IPC dated 27.07.2020 registered against the petitioners vide DDR No. 18 dated 27.07.2020, Police Station Sonipat City, District Sonipat and all the subsequent proceedings thereto are hereby ordered to be quashed.

(H.S.GREWAL)
JUDGE

22.01.2026*renu*

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No